



DBE NEWSLETTER

MONTANA DEPARTMENT OF TRANSPORTATION
Published Monthly by DBE Supportive Services

Volume 2, Issue 11

Promoting the growth of Disadvantaged Business in Montana

Nov.-Dec. 2002

Happy Holidays to You From MDT Civil Rights Bureau

LAST CHANCE

MONTANA DBE COMPANY BUSINESS DEVELOPMENT REIMBURSEMENT

Montana DBE companies—have you used the \$600 set aside for you to take training or make a purchase that would help develop your business? You have until January 31, 2003 to submit your forms/receipts for reimbursement.

If not, time is running out. The funds do not carry over to next year. Contact Rebecca, DBE Supportive Services Manager, for approval and to request a form if you need it or access it online.

MONTANA DBE PROGRAM

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Civil Rights Bureau

MDT MSU Training

Starts January 6 at MSU Bozeman
You are invited to attend this training. Learn about the MDT Organization, Environmental Permits, Plant Mix Design, Seeding, Payroll 101, Traffic Control Issues, Environmental Permitting, Wetlands 101, and MDT/Contractor Communication. For a full schedule with agenda, please contact Rebecca. See Page 4 for more details.

Schedule Notice

- MDT Contractor Training January 6-8, 2002, Bozeman
- DBE Room January 29, 2003
Colonial Hotel, Helena
- Bid Letting January 30, 2003

MDT Going On-Line

MDT is working hard to get highway construction plans, provisions, addenda on-line. Contract Plans currently has test information available via Internet for your convenience. Click on lettingtest folder. Go to <ftp://ftp.mdt.state.mt.us/contract/> You must have acrobat reader software (free download) installed on your computer to view these PDF files.

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Montana DBE Company Monthly Update

Newly DBE-Certified Companies

Rhithron Associates, Inc.	Wease Bollman	Missoula, MT	Environmental Consulting, Wetland Studies, Water Quality, Biological Assessments and Surveys, Aquatic Habitat Assessments		
Kootenai Surveyors	Manon Hughes	Libby, MT	Surveying		

DBE Certification Withdrawn or Denied

Flying Eagle Corporation	Mike Wetzel	Helena, MT	Portage Environmental Inc.		Idaho Falls, ID
Site Constructors	Howard S. Horn	Chico, CA	Poitra Visual Communications	Matt Poitra	Golden, CO

Recently Re-Certified DBE Companies (Annual Eligibility Update is October 31st of each year)

Kirkness Roofing and Supply	Roger Cummings	Billings, MT	Cole Acoustics	Jamie Cole	Whitefish, MT
E2 Concrete Construction Inc.	Kenneth Espinosa	Miles City, MT	Northern Analytical Laboratories	Kathleen Smit	Billings, MT
BillingsJares Fence Company, Inc.	Bonnie Jares	Billings, MT	Scott Construction	Patt Scott	Billings, MT
Phillips Construction	Patricia Phillips	Great Falls, MT	Northwest Plastics	Darlene L. Ohm	E Helena, MT
Custom Fencing & Welding, Inc.	Diana Youngquist	Sidney, MT	Pavlik Electric	Kathleen Pavlik	Libby, MT
Eagle Rock Timber, Inc.	Rick R. Gokey	Idaho Falls, ID	Fischer & Associates	Sandra Fischer	Missoula, MT
North Wind Environmental	Sylvia Medina	Idaho Falls, ID	Forest Rehab	Fran Peterson	Billings, Mt
Anderson Highway Signs & Supply	Esther Anderson	Mills, WY	Hyalite Environmental LLP	Chris Thelen	Libby, MT
Lorenzen Engineering, Inc.	Diane R. Lorenzen	Montana City	Sanchez Electric, Inc.	Thomas Sanchez	Bozeman, MT
Smith Paving & Contracting	Larry Smith	Polson, MT	Three Way Construction, Inc.	Joe Raya	Mills, WY
Bionomics Environmental, Inc.	David Aspitarte	Boise, ID	Sandhill Enterprises	Jeanie Small	Black Eagle, MT
Turner and Associates	Marsha Turner	Helena, MT	Petticoat Pipe Cleaning	Carol Gerovac	Busby, MT
Omo Construction	Ron Omo	Billings, MT	Track of the Past	Mary McKay	Belgrade, MT
G & L Painting	Earl LaRoque	Lincoln, MT	Compton Signatures	Pat Compton	Columbia Falls
Renewable Technologies	Mary McCormick	Butte, MT	Redd's Prints & Signs, Inc.	Donna Szillat	Browning, MT
Mueller Consulting Land Surveyors	Virginia Mueller	Helena, MT	Mackey Construction, Inc.	Pat Mackey	Billings, MT
Exeltech Consulting, Inc.	Santosh J. Kuruvilla	Olympia, WA	Rocky Mountain Rebar, Inc.	Alisha May	Miles City, MT
Doherty & Associates	Karen Doherty	Boise, ID	Arrow Striping & Mfg., Inc.	Kymm Stark	Big Fork, Mt
Traffic Research & Analysis	Susan Medland	Phoenix, AZ	Bailey Paving, Inc.	Joseph Bailey	Billings, MT
Northwest Archeological Associates	Christian J. Miss	Seattle, WA	Eclipse Traffic Control & Flagging, Inc.	Janette L. Jerauld	Belgrade, MT
Apple Valley Backhoe Service	Milton "Nubby" Peterson	Black Eagle, MT	Premier Painting	Julie Riddle	Kingston, ID
JCT Construction, LLC	Janet Charbonneau	Ballantine, MT	Clancy Consultants, Inc.	Ann Clancy	Mills, WY
KM Construction Company, Inc.	Karen Moore	Bozeman, MT	Northwest Resource Consultants	Linda Priest	Billings, MT
Shapiro & Associates	Susan B. Sander	Seattle, WA	Hand-D-Powerwash & Water Truck Services	Dale Hand	Helena, MT
Indian Country Environmental Associates	Gabriel A. Renville	Browning, MT	Pierson Painting, Inc.	Tona M. Pierson	Stevensville, MT
Able Septic	Joseph Durglo	St. Ignatius, MT	CJM Construction Co., Inc. LLC	Cynthia Moore	Helena, MT
Specialty Sales, Inc.	E.J. Cruickshank	Maple Grove, MN	Economy Excavating & Landscaping	David Yuhas	Las Vegas, NV
Hardrives Construction, Inc.	Jim Bailey	Billings, MT			Florence, MT
Terra West Technology, Inc.	Regina C. Cromer	Clancy, MT			

Best and worst states to run a small biz by Philipp Harper

Mr. Harper has taken research from two different places, both released in July 2002: "Small Business Survival Index 2002: Ranking the Policy Environment for Entrepreneurship Across the Nation" and "Entrepreneurial Hot Spots: The Best Places in America to Start and Grow a Company, 2001."

The first study shows the friendliness of government to local business, considering such things as Taxes (14 out of 20 criteria), Cost of Electricity, Workers' Compensation Costs, Total Crime Rate, Number of Bureaucrats, Right to Work, State Minimum Wage. The second study measures entrepreneurial activity, defined as Young Growers (percentage of all firms in a state started in the last 10 years currently employing at least 5 people) and Significant Starts (percentage of young businesses exhibiting fast growth).

Combining these, his top 10 are: 1. Nevada 2. Florida 3. Texas 4. Alabama 5. (tie) Virginia, Arizona 7. Tennessee 8. Colorado 9. South Carolina 10. Georgia Close behind: New Hampshire, Delaware, Maryland, Utah. And the bottom 10: 50. Iowa 49. Maine 48. New Mexico 47. New York **46. Montana** 45. North Dakota 44. Nebraska 43. Vermont 42. (tie) West Virginia, Rhode Island, Hawaii On the bubble: Minnesota

If interested in the complete report, contact Rebecca Johnson at 1-800-883-5811 or rejohnson@state.mt.us

Ten Essential Personnel Policies

A properly drafted personnel policy manual can be a valuable employment tool and method of communication. In a time of increased employment litigation, a properly designed personnel policy manual can help keep an employer out of court.

Ideally, a personnel policy manual functions as a proactive management tool. Policies are established in writing and address various situations in a uniform, non-discriminatory manner. Equally important, the personnel policy manual can set the tone for the working relationship between the employer and employee.

There are ten (10) essential personnel policies that every employer needs to have in their personnel policy manual. In some instances, the following personnel policies must be tailored to match specific State and Federal regulations.

In Montana, due to specific laws and regulatory precedents, an employer may mitigate risk substantially by having these matters covered in writing. These ten (10) essential personnel policies include:

1. Probationary Period Policy
2. Unlawful/Sexual Harassment Policy
3. Corrective Action and Discipline Policy
4. Complaint Resolution and Grievance Procedure Policy
5. Equal Opportunity Statement including Marital Status
6. AIDS or Infectious Disease Policy
7. Work Site Safety Policy and Safety Committee Requirements
8. Unacceptable Behaviors Policy
9. Family Medical Leave Act Policy, where applicable
10. Personnel Policy Manual Receipt Page

Personnel policy manuals are living documents and require the employer's commitment to remain current on State and Federal employment laws and court decisions, changes in employment benefits, and where applicable, employer and industry issues.

Employee Benefit Resources, LLP reviews existing personnel policy manuals for compliance and custom designs new manuals when necessary. If your organization would like to further explore its need for a personnel policy manual, please feel free to contact John Cummings at Employee Benefit Resources, (406) 449-5500 ext. 261.

December 2002 Highway Construction Project Bid Opening Results

December 5 was the bid opening for Dec. 2002 bid letting. The apparent low bidders (not awarded) are:

Project	Apparent Low	Bid
STPP 1-2(116)123 US 2/MT 35 Overhead Sign	Omo Construction, Inc.	28,000
NH 1-5(22)321 Chester-Liberty County Line	Riverside Contracting, Inc.	5,322,349
BR 9036(19) Beaver Creek-5 km NW of Saco	Sletten Construction Company	889,151
IM-STPHS 0002(509) D4 Lighting	Montana Lines, Inc.	1,351,558

MSU Training, Tuesday, January 7th, MSU Student Union Building, Room 276,
Bozeman, MT

The DBE Program is sponsoring several workshops:

8:00-10:00am MDT/Contractor Communication

Overview of MDT Communication Model. Panel of Speakers (MDT, Prime Contractor, Subcontractor) presenting a description of information flow/communication at their particular level, open discussion of communication issues and ideas to improve communication on highway construction projects.

10:15am-12:00pm Overview of MDT, What A Contractor Needs to Know

Get answers to your questions - What is MDT's purpose? Who do you contact for what? Organizational and Project Flowchart. Why are projects listed as state and some federal? How does MDT estimate contract dates and estimates?

1:00-3:00pm DBE Program Overview

What is the DBE Program – description of the program, DBE goals, MDT requirements of contractors and DBEs.

How to Work Safely in the Office

Discussions about safety in the workplace usually bring images to mind of factory workers, warehouses and heavy equipment. However, according to the National Safety Council, thousands of employees suffer disabling injuries in the OFFICE each year.

The Council offers these suggestions to help avoid office injuries:

1. Keep boxes or other materials out of hallways or other high-traffic areas. Falls are the leading cause
2. of injuries in the office.
3. Keep electrical cords out of areas where people could trip on them. At the very least, if cords must pass through these areas, tape them down firmly and securely.
4. Clean up any spills right away.
5. When cleaning floors, place caution signs to warn others of wet, slick conditions.
6. Close file and desk drawers after you finish using them. Drawers can present a tripping hazard.
7. Don't overload extension cords. Any extension cords should have the Underwriters Laboratory (UL) label. Computers should be plugged into surge suppressors to reduce the chance of fire.
8. Inspect office equipment regularly for problems.
9. Conduct regular fire inspections and fire drills.
10. Be sure each department has access to a first-aid kit.
11. Form an office safety team to address employee concerns and questions.
12. Above all, if you come across a safety problem, take action to correct it immediately.

December Business Calendar

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
Dec 1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16 >Developing Employee Handbooks >Excelling as a First-Time Manager Billings	17 >Forklift Instructor Class Billings >Major Land Use Laws Helena	18	19	20 >Business Writing Basics for Professionals Helena >Hazwoper Refresher Billings	21
22	23	24	25	26	27	28
29	30	31	Jan 1	Jan 2	Jan 3	Jan 4
Jan 5	Jan 6 >Defensive Driving Billings >Excel Basics Missoula >MDT Training Jan 6 to Jan 10 Bozeman	Jan 7 >Excel Basics Helena >Gateway to Opportunity Glendive >HazMat General Billings	Jan 8 >Excel Advance Helena >Labor Relations Billings	Jan 9 >Excel Basics Bozeman	Jan 10 >Excel Advance Bozeman	Jan 11

2002-2003

Business Writing Basics for Professionals, December 20 Helena, \$199, To organize your thoughts and to present your messages in ways that achieve positive results you want. Sure-fire methods for building an instant rapport with your reader, how to write for busy readers. 800-873-7545, Skillpath Seminars.

Defensive Driving, January 6, 2003, Billings, 1:00-4:00pm, \$60, Associated Employers of Montana, 406-248-6178

Developing Employee Handbooks, December 16 Billings, December 17 Bozeman, 9:00am-12:00pm, 406-248-6178, Associated Employers of Montana, A 1/2-day seminar featuring the basics of behavioral based interviewing, picking the best candidates & lowering your legal liabilities. Education credits provided.

Excel Basics, January 6 Missoula, January 7 Helena, January 9 Bozeman, January 14 Billings, Excel Advance January 8 Helena, January 10 Bozeman, January 15 Billings, \$228 for two days or \$139 for one day. www.natsem.com, 800-258-7246, CompEd Solutions, Skill-boosting one-day workshop ready to get the tools required to become a power user.

Excelling as a First-Time Manager or Supervisor, December 16 Billings, \$199, The supervisory fundamentals you need to know to achieve management success. 800-873-7545, Skillpath Seminars.

Forklift Instructor Course (Train the Trainer), December 17 Billings, 9:00am-12:00pm, Associated Employers of Montana, 406-248-6178, A 1/2-day seminar focusing on OSHA's final rule of Powered Industrial Truck (PIT) operation training. On-site training is available upon request.

Gateway to Opportunity, January 7 to January 8, Glendive, Dawson Community College, Eastern Plains RC&D, 406-433-5024, a regional economic development forum.

HazMat General Awareness, January 7, 2003, Billings, 1:00-4:00pm, \$100, Associated Employers of Montana, 406-248-6178, Handling, Packaging, General Awareness of Hazardous Materials

Hazwoper Refresher, December 20, Billings, 9:00am-4:00pm, Associated Employers of Montana, 406-248-6178, A 1-day seminar featuring an 8 hr refresher for workers & supervisors who have previously completed the 40 hr/24 hr HAZWOPER training. On-site training is available upon request.

Labor Relations for 2003, January 8 Billings, 9:00am – 4:00pm, Associated Employers of Montana, 406-248-6178, A 1-day seminar on understanding how the introduction of a labor union can affect the balances of maintaining a bottom line, positive culture & employer/employee relations. Education credits provided.

Major Land Use Laws in Montana, December 17 Helena, 6 hours, \$249, National Business Institute 800-930-6182, Providing practical solutions to the problems that current environmental and land use regulations create in the transfer, development and financing of real estate.

MDT Training – January 6-10, 2003 at MSU Bozeman Contractors and consultants are invited to attend this training. Learn about the MDT Organization, Environmental Permits, Plant Mix Design, Seeding, Payroll 101, Traffic Control Issues, Environmental Permitting, Wetlands 101, and MDT/Contractor Communication. For a full schedule with agenda, please contact Rebecca.

OSHA Trenching & Excavation Requirements, January 14 Great Falls, No Cost. Addresses OSHA trenching and excavation current standard requirements and the role and qualifications of the competent person. Topics include shoring and sloping techniques and requirements. MT Dept of Labor Occupational Safety and Health Bureau, 406-444-6401.

MDT Construction Requirements for Subcontracts

Remember – all subcontracts and sub-subcontracts must be approved by MDT Construction Bureau before the work begins.

Prime Contractor cannot subcontract more than 60% of the total contract amount.

All subcontracts must have a copy of Provisions PR1273 and current prevailing wage rates attached.

Contact Rebecca for a free copy of the MDT Contractor/Subcontractor Checklist and PR1273.

Want to save money, time, increase efficiency in your business?

Why not consider a 3-in-1 or 5-in-1 machine? The fact that there are so many different models available for such a reasonable cost (about \$150 to \$350) shows how popular they are. Imagine having one machine capable of faxing, copying, scanning, printing for this amount of money. And they are very straightforward in set up and operation. Check it out!

Quote of the Month

Perpetual optimism is a
force multiplier.

Colin Powell

National Origin Discrimination

**Discrimination because of an individual's or their
ancestors' place of origin.**

Source: Vicky Koch, MDT Civil Rights Bureau Chief

- Q. Let's say that Radika, an Indian woman, applies for a job as a receptionist. At her interview, the selection committee says that Radika would not be right for the job because the company is looking for someone with "front office appearance." She is dressed appropriately, and is certain that the only thing about her appearance that is not of the "front office" type is that she is Indian rather than American. If Radika can show that the selecting official viewed her appearance as inappropriate because of her Indian features, can she establish a violation of Title VII?
- A. Yes – any time an employer discriminates against an applicant or employee because of their ethnic appearance, a violation of Title VII can be established. Liability could be found where an employer seeks to hire individuals with "all-American" looks. Similarly, an employer who refuses to allow an Indian employee to wear a sari, but who imposes no dress code on other employees, could be found liable for national origin discrimination.
- Q. Bill Aman was born in Syria, moved to the U.S. when he was eleven years old, and now works for ABC Camping Equipment Company. His co-workers frequently call him names like "camel jockey," "rug peddler" and "rich Arab". A supervisor once told him that "you should go back to the desert you came from now that you've learned all about tents." Mr. Aman complained about this conduct, but ABC failed to react. Is this a Title VII violation?
- A. The basic principles applicable to sexual harassment also apply to national origin harassment. Aman would have to show that a reasonable person would have found the conduct severe or pervasive enough to create a hostile work environment and that he himself perceived the environment to be hostile or abusive. Aman could probably succeed in making that showing.



The EEO-5 Report By James Phillips, EEO Specialist, MDT Civil Rights Bureau

The EEO-5 Report is required by the U.S. Senate Subcommittee on Public Works. The required reporting date is the last full week in July yearly. Reports are submitted directly to the CRB Office, compiled and forwarded to FHWA. The purpose of the report is to provide the senate with a snapshot of how effective civil rights regulations are in providing work for minorities and women in federal-aid highway construction nationally.

Prime contractor EEO Officers find the reporting form a convenient device for monitoring the current female and minority workforce in its' subcontractors. And, prime contractor have used the form as a medium to indicate "good faith effort" of their subcontractors recruitment and hiring practices on federal-aid contracts. Often uninformed contractors will argue that such action takes away their right to hire whom they wish. The response to that argument is that the regulation only requires fairness to all in the hiring and selection process. The regulation attempts to assure that all qualified workers have an equal ability to compete for positions with and within a firm working on federal-aid highway construction projects.

Your subcontractors are within their rights to refuse to submit an EEO-5 to you. However you have the responsibility and obligation to require your subcontractors to document their "good faith efforts" to recruit and hire qualified female and minority persons. A subcontractors refusal to provide you with required information about recruitment and hiring is a material breach of their contract with you (see FHWA-1273, 1, 1 & 2). When you evoke these regulations with your subcontractor, first confirm that a copy of the FHWA-1273 was attached to the subcontract document you provided your subcontractor. And second, report your subcontractor's refusal to provide required information as an EEO violation to the Civil Rights Bureau.

Contact Rebecca for copies of EEO-5 form and FHWA-1273 document.

Wrap Up a Good Career Year

Here are some tips for ending the year in style from career and business coach Anne Wolfinger.

The holidays are both a time to celebrate and a time to regroup. How can you do this with your career or business?

Take stock in what you've accomplished this past year. Make a list of the things you can point to with a sense of satisfaction, including recognition from others, new clients and contracts, completed training programs, awards, successful projects, etc.

Also note what you didn't get done but intended to. Do you still intend to move ahead on these goals? Goals without action steps and a timetable are not goals. They are only intentions. Nothing wrong with intentions. They may become goals at a future time, or not. If not, then let them go. It's okay, and often a smart thing to let go of old goals gracefully and completely. New ones always have a way of showing up.

Is there a nagging problem you keep avoiding? Get past it! Write down what you need to do, schedule it, brace yourself, and do it. Return those phone calls; schedule those lunches, etc. Think of the people to whom you've said, "We've got to get together soon." Call them up today and schedule something. That way, tentative but undefined commitments for getting together won't be hanging over your head anymore.

Clean your office. Think hard and long about keeping anything, especially printed material. What you have in your files or on your bookshelves is probably out of date anyway and there's plenty more where it came from. Make room for the new by purging the old.

Conduct a career/business review. Go to www.careerpizzazz.com and download the free Career Review from the Resource Library.

Finally, usher out 2002 by pausing to reflect on all the richness in your life. Don't just practice gratitude, be grateful.

Anne Wolfinger & Associates, LLC, in Helena, MT has provided coaching, distance learning, assessments and mentoring programs for individuals and businesses since 1999. You can subscribe to the free, monthly "Career Pizzazz" e-newsletter by visiting www.careerpizzazz.com.

Save Your Postage

In the recent past, DBE companies have been required to send in proof of payment for each monthly progress payment they receive. For some companies, this is easily accomplished and for some companies it required additional staff. However, the evolution of change has again re-landscaped our process. Since the change in the Federal regulations that modified how DBE participation was counted and credited towards our overall DBE goal, it is no longer necessary to send copies of payments to the Civil Rights Bureau.

At the end of the project, the Prime contractor is responsible for reporting how much (gross) has been paid to each DBE on the project. If that amount is greater or equal to the amount of the subcontract, then the project is considered completed for purposes of the DBE Program.

As always, if you are a subcontractor on a Federal-aid project and you have not received a timely payment for work performed, please contact the Civil Rights Bureau.

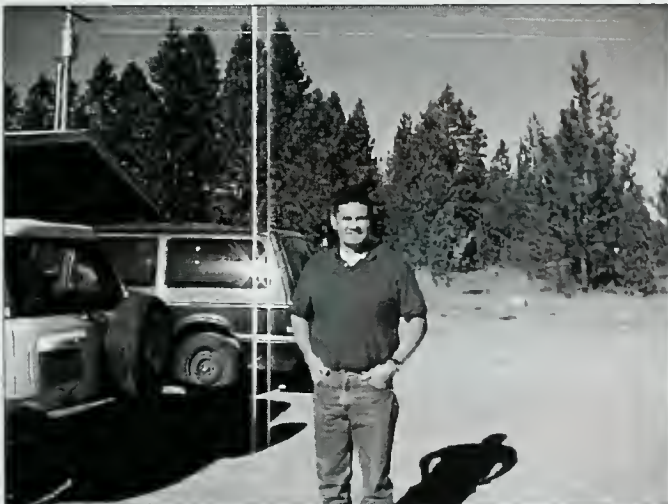
Training/Business Development Reimbursement Program for Montana DBE-Certified Businesses-2003

As a business certified in the Montana Department of Transportation DBE Program, you are eligible to receive reimbursement funds for training or business development. For the calendar year 2003 the maximum reimbursement will be \$600. Pre-approval is required and a business whose home state is not Montana is on a case-by-case basis.

Some things you might use these funds for include: Training (workshops, seminars, and classes attended by the owner or employees including travel to the site), Business Development (business cards, company brochures, web page development, business or marketing plan development), Business Application Software, Internet Service, Company Computer/Business Machine Purchase (computer, fax, copier), Highway Construction Plans and Proposal Fees.

Expenses are reimbursed at 75% of eligible expense up to the maximum \$600 except registration for training can be at 100%.

Send the training/business development reimbursement form to me for pre-approval of the expense. After securing pre-approval, to process reimbursement of expenses, send copies of your expense receipts (proof of payment) and documentation of training to me. If you have any questions regarding the reimbursement program, please contact me at 1-800-883-5811 or rejohnson@state.mt.us. Rebecca L. Johnson, DBE Supportive Services Manager



Joe Durglo, Able Septic, St. Ignatius, MT



Crooked Fork Fencing, Lolo, MT

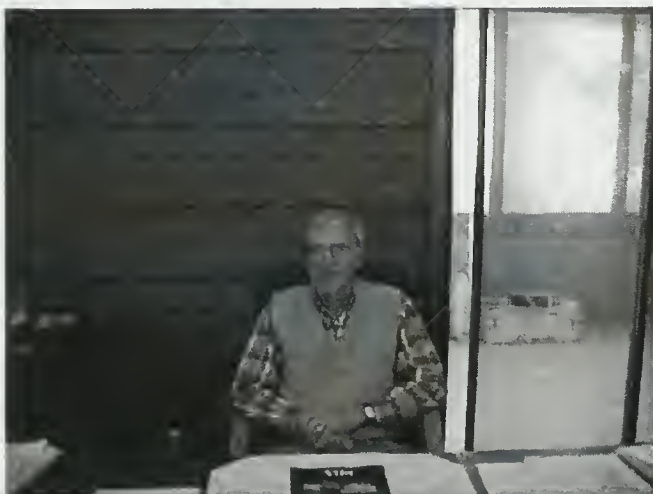
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Larry Smith, Smith Paving, Polson, MT



Burtch Construction, Dixon, MT